

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

SureFunding, LLC,¹

Debtor.

Chapter 11

Case No. 20-10953 (LSS)

**NOTICE OF AGENDA FOR MATTERS SCHEDULE FOR TELEPHONIC HEARING
ON MAY 12, 2020, AT 10 A.M. (ET)² BEFORE THE HONORABLE LAURIE SELBER
SILVERSTEIN, AT THE UNITED STATES BANKRUPTCY COURT FOR THE
DISTRICT OF DELAWARE, 824 N. MARKET STREET, 6TH FLOOR, COURTROOM
#2, WILMINGTON, DE 19801**

**This hearing will be held telephonically. All parties wishing to appear must do so
telephonically by contacting COURTCALL, LLC at 866-582-6878 no later than May 12,
2020 at 8:30 a.m. (ET) to sign up.**

ADJOURNED MATTERS

1. Debtor's Application for Entry of an Order Authorizing the Debtor to Employ and Retain Gavin/Solmonese LLC to Provide a Chief Restructuring and Liquidating Officer and Related Services Pursuant to 11 U.S.C. §§ 363 and 105 Effective as of the Petition Date (filed April 20, 2020) [D.I. 24]

Related Documents:

None

Objection Deadline: May 5, 2020 at 4:00 p.m. (ET); Deadline extended for United States Trustee to May 18, 2020

Responses Received:
i. [Redacted] Noteholders' Omnibus Objection to Debtor's Motions (filed May 4, 2020) [D.I. 56]
ii. Amended Exhibit A-8 to Declaration of Paige B. Tinkham in Support of Noteholders' Omnibus Objection to Debtor's Motions (filed May 5, 2020) [D.I. 63]

¹ The last four digits of the Debtor's taxpayer identification number is 7898. The Debtor's headquarters and service address is 6671 Las Vegas Blvd., Suite 210, Las Vegas, NV 89119.

² Any party who wishes to attend telephonically is required to make arrangement through CourtCall by telephone (866) 582-6878.

Status: This matter has been adjourned to June 17, 2020 at 2:00 p.m. ET

2. Debtor's Motion for Entry of an Order Authorizing the Employment and Compensation of Certain Professionals Utilized in the Ordinary Course of Business Effective as of the Petition Date (filed April 20, 2020) [D.I. 25]

Related Documents:

None

Objection Deadline: May 5, 2020 at 4:00 p.m. (ET)

Responses Received:

- i. [Redacted] Noteholders' Omnibus Objection to Debtor's Motions (filed May 4, 2020) [D.I. 56]
- ii. Amended Exhibit A-8 to Declaration of Paige B. Tinkham in Support of Noteholders' Omnibus Objection to Debtor's Motions (filed May 5, 2020) [D.I. 63]

Status: This matter has been adjourned to June 17, 2020 at 2:00 p.m. ET

3. Debtor's Motion for Entry of an Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Retained Professionals (filed April 20, 2020) [D.I. 26]

Related Documents:

None

Objection Deadline: May 5, 2020 at 4:00 p.m. (ET)

Responses Received:

- i. [Redacted] Noteholders' Omnibus Objection to Debtor's Motions (filed May 4, 2020) [D.I. 56]
- ii. Amended Exhibit A-8 to Declaration of Paige B. Tinkham in Support of Noteholders' Omnibus Objection to Debtor's Motions (filed May 5, 2020) [D.I. 63]

Status: This matter has been adjourned to June 17, 2020 at 2:00 p.m. ET

4. Debtor's Application for Entry of an Order Authoring the Retention and Employment of Fox Rothschild, LLP as Counsel for the Debtor Effective as of the Petition Date (filed April 21, 2020) [D.I. 27]

Related Documents:

- a. Supplemental Affidavit of Thomas M. Horan in Support of Debtor's Application for Entry of an Order Authorizing the Retention and Employment of Fox Rothschild, LLP as Counsel for the Debtor Effective as of the Petition Date (filed April 29, 2020) [D.I. 46]

Objection Deadline: May 5, 2020 at 4:00 p.m. (ET); Deadline extended for United States Trustee to May 18, 2020

Responses Received:

- i. [Redacted] Noteholders' Omnibus Objection to Debtor's Motions (filed May 4, 2020) [D.I. 56]
- ii. Amended Exhibit A-8 to Declaration of Paige B. Tinkham in Support of Noteholders' Omnibus Objection to Debtor's Motions (filed May 5, 2020) [D.I. 63]

Status: This matter has been adjourned to June 17, 2020 at 2:00 p.m. ET

5. Debtor's Motion for Entry of an Order Pursuant to Bankruptcy Code Sections 501, 502, and 1111(a), Bankruptcy Rules 2002 and 3003(c), and Local Rule 2002-1(e) Establishing Bar Dates for Filing Proof of Claim and Approving the Form and Manner of Notice Thereof (filed April 22, 2020) [D.I. 31]

Related Documents:

None

Objection Deadline: May 5, 2020 at 4:00 p.m. (ET)

Responses Received:

- i. [Redacted] Noteholders' Omnibus Objection to Debtor's Motions (filed May 4, 2020) [D.I. 56]
- ii. Amended Exhibit A-8 to Declaration of Paige B. Tinkham in Support of Noteholders' Omnibus Objection to Debtor's Motions (filed May 5, 2020) [D.I. 63]

Status: This matter has been adjourned to June 17, 2020 at 2:00 p.m. ET

MATTERS GOING FORWARD

6. Motion of the Noteholders to Excuse Compliance with 11 U.S.C. § 543(a) & (b) (filed April 16, 2020) [[D.I. 14](#)]

Related Documents:

- a. Verified Statement Pursuant to Rule 2019 of the Federal Rules of Bankruptcy Procedure (filed April 16, 2020) [[D.I. 16](#)]
- b. Notice of Service filed by the Noteholders (filed April 23, 2020) [[D.I. 33](#)]
- c. Notice of Telephonic Status Conference Regarding (i) the Motion of the Noteholders to Dismiss the Debtor's Chapter 11 Case [[D.I. 15](#)]; (ii) the United States Trustee's Motion for an Order Dismissing or Converting the Case to Chapter 7 or Directing the Appointment of a Trustee [[D.I. 34](#)]; and (iii) the Motion of the Noteholders to Excuse Compliance with 11 U.S.C. § 543(a) & (b) [[D.I. 14](#)] (filed April 28, 2020) [[D.I. 39](#)]
- d. Notice of Service of SureFunding, LLC's Responses and Objections to Noteholders Notice of Deposition of Debtor SureFunding, LLC Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure (filed April 28, 2020) [[D.I. 40](#)]
- e. Certification of Counsel Regarding Stipulation and Protective Order (filed April 29, 2020) [[D.I. 45](#)]
- f. Order Approving Stipulation and Protective Order (filed April 20, 2020) [[D.I. 48](#)]
- g. Notice of Service (i) SureFunding, LLC's Objections and Responses to the Noteholders First Set of Requests for Interrogatories and Production of Documents (ii) SureFunding, LLC's Notice of Deposition of Neal Falkenberry and Request for Production of Documents; and (iii) Subpoena to Testify at a Deposition in a Bankruptcy Case Directed to Michael Flanagan (filed May 1, 2020) [[D.I. 53](#)]
- h. [SEALED] Motion by Justin Abernathy and Jason Abernathy for Protective Order in Connection with May 4, 2020 Depositions and May 12, 2020 Hearing with Respect to the Motions of the United States Trustee and Certain Noteholders to Dismiss the Above-Captioned Chapter 11 Case (filed May 4, 2020) [[D.I. 59](#)]
- i. Motion of Justin Abernathy and Jason Abernathy for Expedited Hearing and Shortened Notice Regarding Sealed Motion by Justin Abernathy and Jason Abernathy for Protective Order in Connection with May 4, 2020 Depositions and May 12, 2020 Hearing with Respect to the Motions of the United States Trustee and Certain Noteholders to Dismiss the Above-Captioned Chapter 11 Case (filed May 4, 2020) [[D.I. 62](#)]
- j. Letter from Judge Laurie Selber Silverstein (filed May 5, 2020) [[D.I. 65](#)]
- k. Order Granting Motion of Justin Abernathy and Jason Abernathy for Protective Order in Connection with May 4, 2020 Depositions and May 12, 2020 Hearing with

Respect to the Motions of the United States Trustee and Certain Noteholders to Dismiss the Above-Captioned Chapter 11 Case (filed May 6, 2020) [[D.I. 66](#)]

1. Notice of Hearing on [SEALED] Motion by Justin Abernathy and Jason Abernathy for Protective Order in Connection with May 4, 2020 Depositions and May 12, 2020 Hearing with Respect to the Motions of the United States Trustee and Certain Noteholders to Dismiss the Above-Captioned Chapter 11 Case (filed May 6, 2020) [[D.I. 68](#)]
- m. Letter re May 12, 2020 Motion to Dismiss Hearing Discovery Issues (filed May 7, 2020) [[D.I. 69](#)]
- n. [SEALED] Response of the Noteholders to the Abernathys' Sealed Motion for Protective Order (filed May 7, 2020) [D.I. 70]
- o. Notice of Filing of Proposed Redacted Version of Sealed Motion of Justin Abernathy and Jason Abernathy for Protective Order in Connection with May 4, 2020 Depositions and May 12, 2020 Hearing with Respect to the Motions of the United States Trustee and Certain Noteholders to Dismiss the Above-Captioned Chapter 11 Case (filed May 7, 2020) [[D.I. 73](#)]
- p. Motion of Justin Abernathy and Jason Abernathy to Seal Their Motion for Protective Order in Connection with May 4, 2020 Depositions and May 12, 2020 Hearing with Respect to the Motions of the United States Trustee and Certain Noteholders to Dismiss the Above-Captioned Chapter 11 Case (filed May 7, 2020) [[D.I. 74](#)]
- q. Letter to the Honorable Laure Selber Silverstein from Thomas M. Horan, Esquire Regarding Deposition of Neal Falkenberry (filed May 8, 2020) [[D.I. 76](#)]

Objection Deadline: April 30, 2020 at 4:00 p.m. (ET); Extended for the Debtor's upon agreement of the parties to May 4, 2020 at 9:00 a.m. (ET)

Responses Received:
i. Debtor's Omnibus Objection to the Motions of the Noteholders to Dismiss the Debtor's Chapter 11 Cases; United States Trustee's Motion for an Order Dismissing or Converting this Case to Chapter 7 or Directing the Appointment of a Trustee; and Motion of the Noteholders to Excuse Compliance with 11 U.S.C. § 543 (a) & (b) (filed May 4, 2020) [[D.I. 57](#)]

ii. Noteholders' Omnibus Reply in Support of Their (I) Motion to Dismiss the Debtors' Chapter 11 Case and (II) Motion to Excuse Compliance with 11 U.S.C. § 543 (a) & (b) (filed May 7, 2020) [[D.I. 72](#)]

Status: This matter is going forward.

7. Motion of the Noteholders to Dismiss the Debtor's Chapter 11 Case (filed April 16, 2020) [[D.I. 15](#)]

Related Documents:

- a. Verified Statement Pursuant to Rule 2019 of the Federal Rules of Bankruptcy Procedure (filed April 16, 2020) [[D.I. 16](#)]
- b. Notice of Service filed by the Noteholders (filed April 23, 2020) [[D.I. 33](#)]
- c. Notice of Telephonic Status Conference Regarding (i) the Motion of the Noteholders to Dismiss the Debtor's Chapter 11 Case [[D.I. 15](#)]; (ii) the United States Trustee's Motion for an Order Dismissing or Converting the Case to Chapter 7 or Directing the Appointment of a Trustee [[D.I. 34](#)]; and (iii) the Motion of the Noteholders to Excuse Compliance with 11 U.S.C. § 543(a) & (b) [[D.I. 14](#)] (filed April 28, 2020) [[D.I. 39](#)]
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- h. [SEALED] Motion by Justin Abernathy and Jason Abernathy for Protective Order in Connection with May 4, 2020 Depositions and May 12, 2020 Hearing with Respect to the Motions of the United States Trustee and Certain Noteholders to Dismiss the Above-Captioned Chapter 11 Case (filed May 4, 2020) [[D.I. 59](#)]
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Respect to the Motions of the United States Trustee and Certain Noteholders to Dismiss the Above-Captioned Chapter 11 Case (filed May 6, 2020) [[D.I. 66](#)]

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ii. Noteholders' Omnibus Reply in Support of Their (I) Motion to Dismiss the Debtors' Chapter 11 Case and (II) Motion to Excuse Compliance with 11 U.S.C. § 543 (a) & (b) (filed May 7, 2020) [[D.I. 72](#)]

Status: This matter is going forward.

8. United States Trustee's Motion for an Order Dismissing or Converting this Case to Chapter 7 or Directing the Appointment of a Trustee (filed April 24, 2020) [[D.I. 34](#)]

Related Documents:

- a. Motion to Shorten Time for a Hearing on the United States Trustee's Motion for an Order Dismissing or Converting this Case to Chapter 7 or Directing the Appointment of a Trustee (filed April 24, 2020) [[D.I. 35](#)]
- b. Order Pursuant to Local Rule 9006-1(e) Granting the United States Trustee's Motion to Shorten Time for a Hearing on United States Trustee's Motion for an Order Dismissing or Converting this Case to Chapter 7 or Directing the Appointment of a Trustee (filed April 24, 2020) [[D.I. 36](#)]
- c. Notice of Hearing United States Trustee's Motion for an Order Dismissing the Debtor's Chapter 11 Case or Converting to a Chapter 7 or, Alternatively Appointing a Trustee (filed April 24, 2020) [[D.I. 37](#)]
- d. [SEALED] Motion by Justin Abernathy and Jason Abernathy for Protective Order in Connection with May 4, 2020 Depositions and May 12, 2020 Hearing with Respect to the Motions of the United States Trustee and Certain Noteholders to Dismiss the Above-Captioned Chapter 11 Case (filed May 4, 2020) [[D.I. 59](#)]
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Status: This matter is going forward.

Dated: May 8, 2020

FOX ROTHSCHILD LLP

/s/ Thomas M. Horan
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Proposed Counsel to the Debtor and Debtor-in-Possession